



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Making your appeal

How to complete your Community Infrastructure Levy appeal form - WALES

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If you would like this guidance in the Welsh language you can find it on the Planning appeals and applications page Gov.wales at <https://beta.gov.wales/planning-inspectorate>. Alternatively, you can contact us on 0303 444 5940. You may also request the guidance in large print or Braille.

Introduction

You can appeal to the Planning Inspectorate under the Community Infrastructure Levy Regulations 2010 on the following matters:

Regulation 117 - A surcharge has been imposed and:

- a) the claimed breach which led to the surcharge did not occur; or
- b) the collecting authority failed to serve a liability notice in respect of the chargeable development to which the surcharge relates; or
- c) the surcharge has been calculated incorrectly.

Regulation 118 - The collecting authority has issued a demand notice with an incorrectly determined deemed commencement date.

Regulation 119 - A Community Infrastructure Levy (CIL) stop notice has been imposed and:

- a) the collecting authority did not serve a warning notice before imposing the CIL stop notice; or
- b) the development for which the CIL stop notice was imposed has not commenced.

The Planning Inspectorate cannot accept other appeals relating to the CIL charge.

Before you make your appeal, you should enter into discussions with the collecting/charging authority. The appeals process should be considered a last resort, for use only where all attempts to reach a mutually acceptable outcome have failed. We encourage you to continue these discussions, even during the appeal itself.

Your appeal and essential supporting documents must be received by us:

- Regulation 117 appeals - **within 28 days** of the date the surcharge was imposed.
- Regulation 118 appeals - **within 28 days** of the date the demand notice was issued.
- Regulation 119 appeals - **within 60 days** of the date on which the CIL stop notice takes effect.

If we do not receive your appeal and documents within this time limit, we will not accept your appeal.

Application for appeal costs

You and the LPA normally have to meet your own appeal expenses. If a party does not behave reasonably they leave themselves open to costs being awarded against them. This would be on the basis that the behaviour had directly caused another party to incur expenses that would not otherwise have been necessary.

Costs may be awarded in response to an application for costs by one of the parties. Also the Inspector may make an award of costs even if neither of the parties has made an application.

If you are making a cost application with your appeal you should indicate this on the appeal form. There is guidance about costs awards in Section 12 of Welsh Government Development Management Manual:

<https://gov.wales/topics/planning/policy/development-management-manual/development-management-manual-without-annexes/?lang=en>

It is important that you read this guidance because it explains how, when and on what basis you can make an application or have an application made against you.

The onus is on you to ensure that a properly substantiated claim for costs is made at the appropriate time. Providing notice of intent does not justify a late application for costs.

Guidelines for Submitting Documents

Regardless of whether you choose to submit your appeal in the post or through e-mail, you will need to provide us with supporting documents. In order to provide a fair, open, impartial and timely service the Inspectorate in Wales publishes appeal documents to the ACP through our casework management system.

In order that we can deliver this service we would ask that you pay attention to the following information and provide documents to us in the stated format.

Formatting	<ul style="list-style-type: none">• For typed documents you should use a sans serif font, examples of which include Arial and Verdana, the font should be set to size 11 or larger.• If you are completing any documents by hand you should use capital letters and black ink. Both this and the point above make documents easier to read for both the office staff responsible for your appeal and the Inspector allocated to your appeal. They also produce a better scanned image for publishing purposes.• You should ensure that you number all pages accordingly.• Use A4 paper wherever possible.• Make sure photocopied documents are clear and legible.• Print documents on both sides of a page. You should use paper of good enough quality that something printed on one side of the page does not show through to the other side.• Ensure that the scale, orientation and paper size of any maps and plans are shown clearly.• If you are reproducing a map or plan, ensure that the copy you are sending is printed to scale.• Send pictures, photographs, plans, maps or drawings as individual files. Avoid the use of bitmap images as they are very large.
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Acceptable file formats	PDF .pdf Microsoft Word .doc or .docx TIF .tif or .tiff JPEG .jpg or .jpeg ZIP .zip
File sizes	<p>Documents submitted via ACP may be no bigger than 5mb each. Documents submitted by disc/USB drive should be kept below 15mb wherever possible to ensure that we can publish them. It is your responsibility to keep your documents to a manageable size.</p> <p>If you have documents that are larger than this you can try the following;</p> <ul style="list-style-type: none"> • Break long documents into several files, but note the document naming conventions below. • Try and use black and white wherever possible (unless submitting photographs). • If submitting images, your software may have file/image compression facilities to make them smaller. • Note scanned documents are usually bigger than non-scanned versions. • Provided you are using the acceptable file types above, you can use ZIP files to compress documents. • If you have a large file and you are unable to use the options listed, you can email anything up to 10mb to wales@pins.gsi.gov.uk
Security	<ul style="list-style-type: none"> • Remove any document security and enable macros if necessary. Documents should not be password protected, they should not be formatted as 'read only', printing, redacting should be enabled. • Documents that prevent printing and other functions will require resubmission in a useable format.
Copyright	<ul style="list-style-type: none"> • Ensure you have the owner's permission and have paid any copyright licence fee before sending in documents. • People may only scan an Ordnance Survey map if they; <ul style="list-style-type: none"> ▪ Have an annual licence to make copies; or ▪ Have purchased a bulk copy arrangement; or ▪ Are using a local planning authority / relevant authority supplied map under the 'map return scheme' (for which a fee is normally payable at the local planning authority / relevant authority's discretion), or ▪ Have purchased the site-specific map from the Planning Portal for the purposes of attaching to a planning application, appeal or representation. <p>More information on map licensing is available on the Ordnance Survey website: http://www.ordnancesurvey.co.uk/support/licensing.html</p>
File names	<ul style="list-style-type: none"> • Ensure all documents have descriptive names, including

	<p>the type of document you are sending, eg '<i>Proposed plan 1 March 2017</i>'.</p> <ul style="list-style-type: none"> • Number appendices and submit them as separate documents. Ensure the first page includes the appendix number. Name them to indicate what they form part of, and their sequence eg '<i>Appeal statement Appendix 2 Traffic census</i>'. • Use '<i>Part 1</i>', '<i>Part 2</i>' etc in the file name if you have split up a large document eg '<i>Appeal statement in Appendix 1 Environmental Assessment Part 1 of 3</i>'. • Include the required paper size in the document name for plans and drawings eg '<i>Proposed plan A3 size 1 March 2017</i>'. • Include scale bar(s) on all plans and drawings. • Do not use a colon ':' in any file names.
Do not	<ul style="list-style-type: none"> • Send original documents unless we request them. • Provide a photograph of a document as a substitute for a scanned image; the details that are required are usually illegible when this is done. • Please do not provide one electronic document that encompasses all of your appeal documentation in one file. • You should not use hyperlinks within documents you send to us. Instead, you should download such documents yourself and attach them separately. • You should not use hyperlinks to a website page containing multiple documents or links. • Use cover sheets, sleeves or other bindings that do not add value or information. • Include self-adhesive notes or small attachments which might be dislodged easily or lost.

Completing the appeal form

You can either:

- print out a blank form, complete it manually and post it to us;
- complete the form electronically, print it out and post it to us; or
- complete the form electronically and email it to us at wales@pins.gsi.gov.uk.

Alternatively, you can contact us and we will send you a copy of the appeal form by post or e-mail.

For handwritten appeal forms please complete the form in **CAPITAL LETTERS** using **black ink**.

The appeal forms are designed to be as straight-forward and self-explanatory as possible. However there are some segments that do require some further information to understand them better. The following section looks at some of these sections. If you do not find the information you are looking for please contact the Inspectorate on **0303 444 5940** or wales@pins.gsi.gov.uk.

SECTION A

Appellant details

Name

If the appeal is against a demand notice with an alleged incorrectly determined deemed commencement date (Regulation 118), only a person who was served with the demand notice has the right to appeal. For other types of appeal, anyone can appeal.

SECTION B

Agent details (if any) for the appeal

You do not have to employ an agent to handle your appeal. If you decide to employ an agent he or she will probably complete the appeal form for you.

If you have an agent we will send all of our communications to the agent. We will not send a copy to you. You should ensure that you keep in touch with your agent about the appeal arrangements.

SECTION C

Authority & application details

You should provide the name of the collecting authority (and the charging authority if this is different). You should also provide the details of the relevant planning application to which the CIL charge relates.

SECTION D

Appeal site address

If the appeal site does not have a postcode please provide the postcode of the nearest building. Please provide information to help us identify the site, eg a map or plan showing the site and at least 2 named or numbered local roads

SECTION E

Site visit details

On some occasions it will be necessary for an Inspector to visit the site. We will use your responses to these questions to help us decide how any site visit should be conducted.

Health and safety at the site

The site is likely to be inspected during the course of the appeal and the Inspector needs to be made aware of any potential problems. The following questions indicate the type of information we need about the appeal site such as the condition of the land or any building to be entered.

We take seriously our duties with regard to the health and safety of our employees and those affected by our work. Inspectors may abort the site visit if the conditions on site are unsatisfactory. Failure to provide the necessary information may therefore result in a delay to your appeal.

1. Will the Inspector be expected to wear Personal Protection Equipment?
Please give details
2. Are any building works or other operations taking place on the site? If it is a workplace, is there a risk assessment in place for visitors?
3. Are there any animals (e.g. pets or livestock) within the site? If so, you must ensure that all animals (both livestock or pets) will be kept away from the area to be visited.
4. Is the site remote or in an area likely to have a poor mobile phone signal?
5. Are there any areas that require specialist equipment or training for access e.g. confined spaces or use of ladders/scaffolding? If a ladder will be used, you must explain why and give details of the heights involved and arrangements for securing the ladder.
6. Does the Inspector need to be aware of specific dangers within the site? This would include uneven surfaces, equipment or substances kept at the site, risk of exposure to chemicals, asbestos or radiation.
7. Will it be necessary to view the site from a height, e.g. roof, balcony? Are any railings or guards in place?
8. Are there any site specific safety arrangements in place?
9. Is the site accessible for persons with limited mobility?
10. Is there any overgrown vegetation that could restrict access to the site? If so you will need to ensure that the site is made accessible to our Inspector and any other people accompanying him or her.

You must also inform us of any relevant changes to the site which occur in the period leading up to the planned site visit date.

SECTION F

Reason for the appeal

You should select which of the reasons for appealing apply to you. If more than one reason applies, you can select more than one option.

SECTION G

It is important that you submit your full grounds of appeal when submitting the appeal as this is your only opportunity to do so.

You should set out all your grounds of appeal clearly and concisely and concentrate upon the merits of your argument. You should avoid repetition and information that does not relate to the issues involved. The grounds of appeal should be clear and concise and normally should not exceed 3,000 words. Any supporting documentation other than that listed in Section H should be kept to a minimum and be essential and directly relevant to the appeal. Such documentation should be clearly cross-referenced in the grounds of appeal.

You may wish to submit appendices to your grounds of appeal. These can include reports and information that relate directly to the issue that is in dispute. Appendices should be used sparingly.

If you consider it essential to submit email trails to support your grounds of appeal, you should consider if the final email in a trail contains the key points – so you would only need to provide that. If this is not possible cross through any repetition in related emails so that the key points can be clearly picked up.

You may use photographs (preferably in colour) to illustrate your grounds of appeal. If you submit photographs you must give details of where they were taken, on a map showing the viewpoints, and when and what they show. If you take photographs in public places please take reasonable care to respect the privacy of individuals whose images you may inadvertently capture.

SECTION H

Essential supporting documents

We have listed the documents currently required on the appeal form. You must send us all the documents needed for the type of appeal(s) you are making plus the items listed under "ALL APPEALS".

If we do not receive all your essential appeal documents by the end of the appeal period we will not be able to proceed with it and you will lose your right to appeal. We do not 'chase' missing documents and so please make sure that you have sent us everything; if not your appeal will be delayed or possibly turned away.

Please ensure that you have listed all the plans/drawings that you are sending to us and that they include reference to the scale, orientation, and paper size.

SECTION I

Other appeals

If you have made any other related appeals which are awaiting a decision for this site or for nearby sites please supply the reference numbers.

Personal Details

Appellant Personal Details/Agent Personal Details

Personal details supplied on this page will not be made publicly available

Email

If you tick the box to say that you prefer to be contacted by email, we will send you our letters by email and we will not send paper copies.

Preferred language

If you tick the box to say that your preferred language is Welsh or English, we will correspond with you in that language throughout the life of the appeal.

Welsh Language

The Planning Inspectorate promotes and encourages the use of Welsh throughout all of its work in Wales. We welcome communication in a Welsh, bi-lingual or English format and will correspond with you in your stated language preference, in keeping with our obligations as set out in The Welsh Language Standards (No. 2) Regulations 2016.

If you would like a copy of this document in Welsh it is obtainable online at; Alternatively you can e-mail cymru@pins.gsi.gov.uk or ring **0303 444 5940** to request a copy.

Check, sign and date

This section provides a useful summary of the things you need to have done. Please check your completed form carefully, then sign and date it.

Now send

Please note that we **must receive** your appeal form and **all** supporting documents within the 28 or 60 day time limit. So please make sure that you send your appeal in good time before the time limit.

Contacting us

**The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ**

E-mail: wales@pins.gsi.gov.uk ; cymru@pins.gsi.gov.uk
Telephone: **0303 444 5940**

How we use your personal information

We receive personal information from the appellant, LPA /charging authority/collecting authority and other interested persons who provide representations. The personal information normally includes name and contact details and any other personal information included within their representations.

We copy the representations we receive to the appellant, the relevant authority and any other statutory appeal parties. Representations will also be open for inspection at the authority's office where anyone can ask to view them. The Inspector's decision may also be published on GOV.WALES

Further information

Further information about our privacy policy is on the Appeals Casework Portal at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/564820/Privacy_and_Cookies_Statement_01_11_16.pdf or on request. If you have any queries about our policy, or wish to make a request for your personal data then please contact us.

Getting Help

The Planning Inspectorate exists as an impartial body; as such we cannot offer parties planning advice. If you would like help in taking part in an appeal and you cannot find what you need within this guidance then you can contact Planning Aid Wales.

Planning Aid Wales are an independent, charitable organisation who provide a free, independent advice service on Town and Country Planning issues to those people and groups that cannot afford professional representation. Planning Aid Wales do operate eligibility criteria so that they ensure their services are delivered to those most in need. You may wish to consult this before approaching them.

They can be contacted at;

Planning Aid Wales
First Floor
174 Whitchurch Road
Heath
Cardiff
CF14 3NB

Phone: **02920 625 000**

Website: www.planningaidwales.org.uk

